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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,953	01/12/2001	Daryl Carvis Cromer	RPS920000080US1	3382
42640	7590	04/13/2005	EXAMINER	
DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,953

Applicant(s)

CROMER ET AL.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,7,10,11,13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to request for re-consideration filed on 02/03/2005.
2. Applicant's arguments with respect to claims 1, 2, 5, 8, 9 and 12 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 3, 4, 6, 7, 10, 11, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Quotations of U.S. Code Title 35

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

6. Claims 1, 2, 5, 8, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over (“Claesens”) “Solutions for Anonymous Communication on the Internet”, October 1999, Proceeding of the IEEE 33rd Annual International Carnahan Conference on Security Technology, pages 298-303 in view of U.S. Patent no. 5,913,217 (“Alger”).

Regarding claims 1 and 8

Claesens teaches protecting users from revealing their identities by established an anonymous communication to hide their communication from outside observer at the application level (see page 299, 1st paragraph), comprising: establishing a storage device in the computer system including a primary location, wherein an identifier is stored in the primary location is used as a unique identification for the computer system (page 299 second column – section 4 paragraphs 3 and 4, “The core of the solution is ... ACI (Anonymous Connection Identifier) is setup” *Examiner interprets that a storage is inherently established to store the Anonymous Connection Identifier created by the Onion Routing system.*); generating an anonymous connection identifier (ACI) (page 299 section 4 paragraph 4 “When a sender wants to communicate ... ACI (Anonymous Connection Identifier) is setup), wherein said the ACI does not identify any particular computer system (page 299 second column – section 4 last sentence of paragraph 2, “Anonymity is only provided from the first ... are not anonymity protected”); storing the anonymous identifier in the primary location within the storage device (page 299 second column – section 4 paragraphs 3 and 4, “The core of the solution is ... ACI (Anonymous Connection Identifier) is setup” *Examiner interprets that an Anonymous Connection Identifier (ACI) when created by the Onion Routing system is inherently be placed in a storage location that is also the*

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primary location of the real connection identifier in order to establish a communication for the computer system); and providing the anonymous connection identifier in response to a request for the system identification from outside observers (page 300 second paragraph “Many other anonymous connections ... check replayed or expired onions” *Examiner interprets that the system is inherently must provide an identifier upon request from outside observer, however, since an anonymous identifier is provided, outside observers can not identify the source based on the information.*). Claesens does not teach the unique identifier is a Universal Unique Identifier (UUID). However, Alger teaches method and system for generating a compact universal unique identifier (UUID) (see col. 3 line 64 to col. 4 line 9, “To generate an identifier ... the OSF-defined format”) for the purpose of creating an identifier with smaller storage overhead and prevents creating duplicate identifiers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the compressed UUID creation of Alger with creation of anonymous identification of Claesens because it would provide for the purpose of creating an identifier with smaller storage overhead and prevents creating duplicate identifiers.

Regarding claims 2 and 9

While Alger teaches the creation of a UUID, Claesens teaches storage device including a secondary location for saving the real unique identifier while the anonymous identifier is being utilized as the mobile system's unique identifier (page 300 second paragraph “Many other anonymous connections ... check replayed or expired onions”); and in response to the storage of the anonymous UUID in the primary location, moving the real UUID from said primary location to the secondary location, wherein the real UUID is not located in the primary location after the move (page 299 section 4 paragraph 4 “When a sender wants to communicate ... ACI

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(Anonymous Connection Identifier) is setup). *Examiner interprets that the real identifier is inherently must be at another storage location while the anonymous identifier is in place at its primary location as for the purpose of hiding from outside observers the real identity of the computer system.*

Regarding claims 5 and 12

Claesens teaches an application program requesting the computer system's identifier; and the computer system providing an identifier stored in the primary location to the application program in response to the request (page 300 second paragraph "Many other anonymous connections ... check replayed or expired onions") *Similar to the rejection claims 1 and 8 above, examiner interprets that the system is inherently must provide an identifier upon request from outside observer, however, since an anonymous identifier is provided, outside observers can not identify the source based on the information.*

Response to Arguments

7. It should be noted that the anonymity limitations of the rejected claims are broad enough that they covered the anonymity of Claesens. Claesens sets a limit to anonymity for only "from the first to the last onion router" as described in page 299 – section 4 last sentence of paragraph 2 below:

"Anonymity is only provided from the first to the last onion router. The connections from sender to first onion router, and from last onion router to receiver, are not anonymity protected"

On the contrary, the claims limitations such as "wherein said anonymous UUID does not identify any particular computer system" do not have a limit to anonymity, hence, are broader than the prior art Claesens. Therefore, the limitations are met by the reference.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 8:00 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

April 6, 2005



Anthony Knight
Supervisory Patent Examiner
Group 3600